

Miami-Dade County Wetlands Enforcement Strategy and Processes

Miami-Dade County Wetlands Advisory Task Force

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Enforcement Strategy:

- **Compliance with Code requirements for purpose of protection of air, water quality and natural resources**
- **Progressive enforcement approach with an emphasis on working with landowners or other responsible parties to resolve violations**
- **Creates a “level” playing field for those that follow the law**
- **Ensures compliance at permitted sites and prevents impacts to adjacent areas**

How Violations are Identified:

- **Complaints**
- **Staff observations during site visits**
- **New permit application reviews of surrounding properties**
- **Annual reviews using aerial photos and ground-truthing**

Departmental Response:

- Review of all available records (i.e. Department files, historic aerial photos, ground and surface water stages, topographic data, etc.)
- Collection of supporting documentation
- Confirmation of jurisdictional status

Progressive Enforcement Process:

- **Identification of non-compliance with Code requirements and working with responsible parties to resolve**
- **Maintain open communication with responsible parties and their representatives**
- **Setting of progressive milestones**
- **Flexibility in offering extensions of time to meet milestones**
- **Administrative resolution of violations**

Progressive Enforcement Process:

- **Field notice or warning**
 - Lists violation
 - Includes orders to cease and desist activities that are in violation of the Code
 - Includes timeframe to correct violation
- **Formal Notice of Violation and Orders for Corrective Action (NOV)**
 - Specifies code reference of violation(s)
 - Specifies and expands options for corrective actions
 - Provides timeframes for compliance

Progressive Enforcement if violation is not resolved:

- **Final Notice Prior To Court Action (FNPTCA)**
 - Notices owner of non-compliance with NOV orders
 - Requires compliance within a certain timeframe
 - Offers opportunity to resolve case administratively
- **Demand Letter**
 - Notices owner of non-compliance with NOV and FNPTCA orders
 - Notices owner of intent to refer case to County Attorney
 - Provides final opportunity to resolve case administratively

Administrative Remedies:

- **Meeting with Department staff to discuss case**
 - Can review staff findings and supporting data
 - Can be resolved via site restoration or application for permit
- **Consent Agreement**
 - Mutual, voluntary agreement that provides written assurance of intent of responsible party to correct non-compliance
 - Includes a phased approach with timelines and milestones, which may be extended as necessary if sufficient progress is demonstrated
 - May include settlement costs

Progressive Enforcement if violation is not resolved (cont.):

- **In lieu of court action, a case may lead to issuance of a ticket**
 - **A monetary penalty is assessed pursuant to Chapter 8CC, Miami-Dade County Code – this is the only time the Department has the authority to impose a fine**
 - **May be administratively appealed through a Hearing Officer, who may uphold or dismiss after hearing evidence from both sides**

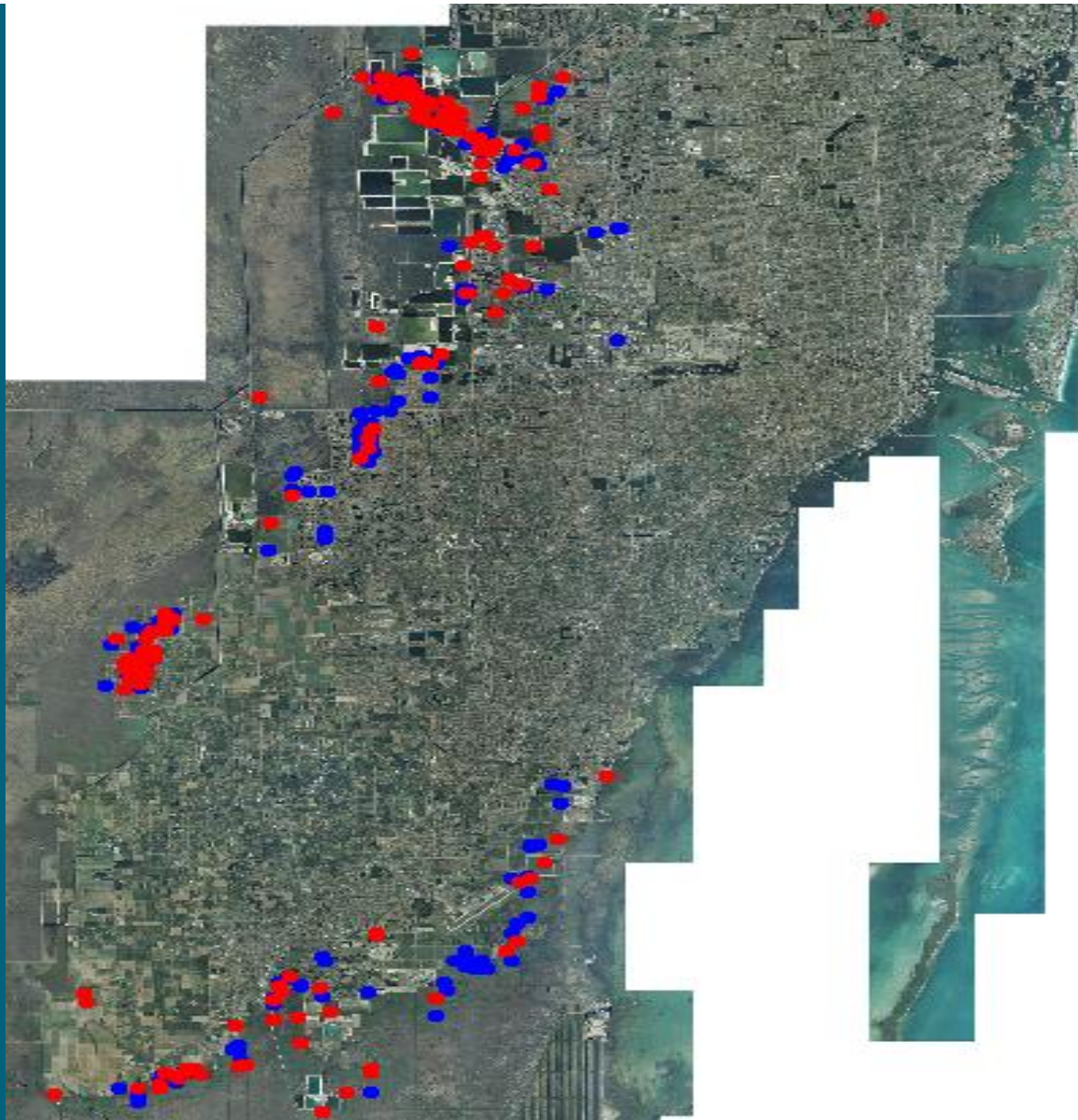
Progressive Enforcement if violation is not resolved (cont.):

- **Referral to County Attorney's Office (CAO) for court action is only undertaken when all other remedies are exhausted**
- **Case referral to CAO affords another opportunity to resolve the case administratively through an attorney-issued Demand Letter**
- **Courts may impose orders and penalties/fines as a means of requiring compliance**

Between January 2001 and October 2011, the Department's enforcement process has resulted in:

- Initiation of 511 Class IV cases, of which 327 have been resolved to closure (64%)**
- Restoration of 813 acres of wetlands, removal of 549,645 cubic yards of solid waste and issuance of 53 After-the-Fact Permits (with associated mitigation).**

Class IV Wetland Enforcement Cases 2001-2011



● Open Cases

● Closed Cases